

Petitioner attached to his objection a copy of his Department of Corrections Request

for Disbursement of \$5.00 for this case, which included a notation that the fee is due by March 5, 2018 (Dkt. 14 at 3). The fee, however, has not been received by the Court. Therefore, Petitioner is granted an additional 20 days to submit the \$5.00 filing fee for this case. The Court will enter a separate Order directing prison officials at Petitioner's facility to forward the fee.

On March 11, 2019, Petitioner filed a motion for recusal and disqualification of District Judge White and Magistrate Judge West (Dkt. 15). Petitioner alleges in the motion that the judges "continue Extra-Judicial bias, bias, Prejudice, & Discriminatory Conducts Etc. against as a slave & African & in my cases past & present & future cases Etc." He references Judge White's order denying *in forma pauperis* status in this case and in Case No. CIV 19-052-RAW-KEW, stating the orders allowed for dismissal of the cases if the filing fees were not paid within the specified time.

A review of Petitioner's motion for recusal and disqualification of Judge White and Judge West reveals he has not pointed to any act or speech by either judge indicating bias, prejudice, or the appearance of impropriety. *See Mitchell v. Maynard*, 80 F.3d 1433, 1450 (10th Cir. 1996) (noting even appearance of impropriety must be avoided). Instead, Petitioner is complaining that the Court has not imposed sanctions against prison officials for failing to comply with orders concerning payment of his filing fees. Even if Petitioner could point to adverse rulings by the judges to show bias, "adverse rulings against a litigant cannot in themselves form the appropriate grounds for disqualification." *Green v. Dorrell*,

969 F.2d 915, 919 (10th Cir. 1992), *cert. denied*, 507 U.S. 940 (1993). Therefore, the motion for recusal and disqualification is denied.


ACCORDINGLY,

1. Petitioner's motion for recusal and disqualification of District Judge Ronald A. White and Magistrate Judge Kimberly E. West (Dkt. 15) is DENIED.

2. Petitioner is granted an additional twenty (20) days to submit the \$5.00 filing fee for this action.

3. Failure to pay the filing fee as directed or to show cause for failure to pay the fee will result in dismissal of this action without prejudice and without further notice.

IT IS SO ORDERED this 14th day of March 2019.



Ronald A. White
United States District Judge
Eastern District of Oklahoma